IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

COMPANY PETITION NO.582 OF 2006
CONNECTED WITH
COMPANY APPLICATION NO.858 OF 2006

In the matter of the Scheme of Amalgamation of Mahabal Foundries Private Limited with Mahabal Metals Private Limited

Mahabal Foundries Pvt. Ltd. ..Petitioner.

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Ms. Rubia Juneja i/b Jahangir Narulla & Co. for the Petitioner.
Mr. C.J. Joy for the Regional Director.
Ms. K.V. Gautam, Dy. Official Liquidator present.

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CORAM: **DR. D.Y. CHANDRACHUD, J.**

16th March, 2007.

P.C. :

A scheme for amalgamation has been proposed between the transferor and the transferee. All the equity shareholders have given their consent. There are no unsecured creditors. An affidavit has been filed on 10th March, 2007 in which it has been stated that (i) there is no transaction between the transferor and the transferee in respect of service tax/ duty drawback from the appointed date till date and (ii) that any sales

tax/ service tax/ duty drawback is charged by the transferor and the transferee and if so collected, the sale tax/ service tax/ duty drawback from the date of the affidavit till the effective date, shall be borne by the Petitioner company. Counsel appearing for the Regional Director states that the affidavit meets the requisitions of the Regional Director. In the circumstances, the Company Petition is made absolute in terms of prayer clauses (a) to (i).

The Petitioner to pay costs of Rs.2,500/- each to the Regional Director and the Official Liquidator.

Filing and issuance of drawn up order is dispensed with.

All authorities concerned to act on an authenticated copy of this order issued by the office of this Court.